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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,736

07/17/2003

Duane William Powell

16349-US

1792

7590

08/01/2005

Joel S. Carter  
Patent Department  
DEERE & COMPANY  
One John Deere Place  
Moline, IL 61265-8098

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,736	<b>Applicant(s)</b> POWELL, DUANE WILLIAM	
	<b>Examiner</b> Christopher J. Novosad	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “a first lower hook” in claim 1, line 7 and “a second lower hook” in line 8 is indefinite since it is unclear what hook is supposed to be lower than what other hook. Figs. 1-4 show hook 56 being lower than hook 58 but by reciting both hooks as “lower” hooks it is unclear which hook is supposed to be lower than which other hook.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Horney.

With respect to claim 1, Horney shows a coupling mechanism 26 (Figs. 2-5) for a work vehicle T (Fig. 1), the coupling mechanism 26 (Figs. 2-5) having a frame 28 for mounting to the work vehicle T, the frame 28 having a cross member 28 and left and right side members 38,62 and 40,62, respectively, projecting from opposite ends (unnumbered) of the cross member 28,

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and having an upper implement coupling hook 42 mounted on the cross member 28, the improvement comprising:

a pair of attaching members 30,32, each 30,32 mounted to a respective one of the side members 38,62 and 40,62, respectively, each attaching member 30,32 comprising an elongated body 51,54,50 and 53,56,52, respectively, each attaching member 32,30 comprising a first lower hook (53 and the member, unnumbered, between members 53 and 58 of member 32 (Fig. 2) in Fig. 5; 51 and the member, unnumbered, between members 51 and 58 of member 30, respectively) fixed to a first end 53,51, respectively of the body 53,56,52 and 51,54,50, respectively, and a second lower hook 50a,52a fixed to a second end 50,52 of the body 51,54,50 and 53,56,52, respectively, the first lower hook (53 and the member, unnumbered, between members 53 and 58 of member 32 (Fig. 2) in Fig. 5; 51 and the member, unnumbered, between members 51 and 58 of member 30, respectively) having at least one dimensional feature (the member, unnumbered, between members 53 and 58 of member 32 in Fig. 5; the similar member, unnumbered, between members 51 and 58 of member 30, respectively) which is larger (greater in length) than a corresponding dimensional feature (unnumbered) of the second lower hook 52a,50a, respectively, each attaching member 30,32 being selectively mountable in (by being between members 38 and 62) a corresponding one of the side members 38,62 and 40,62, respectively in a first orientation with the first lower hook (53 and the member, unnumbered, between members 53 and 58 of member 32 (Fig. 2) in Fig. 5; 51 and the member, unnumbered, between members 51 and 58 of member 30, respectively) in an operative position and being selectively mountable in a second orientation with the second lower hook 50a,52a in an operative position.

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Regarding claim 2, a first longer portion (unnumbered) of each attaching member 30,32 projects from a lower end of the corresponding side member 38,40 when the attaching member 30,32 is mounted to the corresponding side member 38,40 in the first orientation, and a second shorter portion (unnumbered) of each attaching member 30,32 projecting from a lower end of the corresponding side member 38,40 when the attaching member 30,32 is mounted to the corresponding side member 38,40 in the second orientation.

As to claim 3, a plurality of mounting bores 60,62a,64 extend through each attaching member 30,32; and

a plurality of coupling bores 60,62a,64 extend through each side member 38,40, a first group of the mounting bores 60,62a,64 being aligned with a first set of the coupling bores 60,62a,64 when the attaching member 30,32 is in the first orientation, a second group of the mounting bores 60,62a,64 being aligned with a second set of the coupling bores 60,62a,64 when the attaching member 30,32 is in the second orientation.

With respect to claim 4, the first (53 and the member, unnumbered, between members 53 and 58 of member 32 (Fig. 2) in Fig. 5; 51 and the member, unnumbered, between members 51 and 58 of member 30, respectively) and second 50a,52a lower hooks have prongs (unnumbered) which project from opposite sides of the elongated body 51,54,50 and 53,56,52, respectively. Regarding claim 5, the first (53 and the member, unnumbered, between members 53 and 58 of member 32 (Fig. 2) in Fig. 5; 51 and the member, unnumbered, between members 51 and 58 of member 30, respectively) and second 50a,52a lower hooks have prongs (unnumbered) which project from opposite sides of the elongated body 51,54,50 and 53,56,52, respectively and

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generally towards a plane (not shown but necessarily present) which necessarily bisects a central portion of the elongated body at an angle.

### ***Response to Arguments***

Applicant's arguments in the Remarks of the amendment filed May 19, 2005 have been fully considered but they are not persuasive.

Contrary to Applicant's arguments with respect to the rejection of claims 1-5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, claim 1 does not recite that "both hooks 56 and 58 are...lower hooks **with respect to upper hook 29**" (emphasis added). Therefore, it is still confusing as to what hook is supposed to be lower than what other hook. Figs. 1-4 show hook 56 being lower than hook 58 but by reciting both hooks as "lower" hooks it is unclear which hook is supposed to be lower than which other hook.

Contrary to Applicant's argument that member 30 has only a single hook 50 attached to one end thereof and member 32 has only a single hook 52 attached thereto, each attaching member 32,30 has a first lower hook (53 and the member, unnumbered, between members 53 and 58 of member 32 (Fig. 2) in Fig. 5; 51 and the member, unnumbered, between members 51 and 58 of member 30, respectively) fixed to a first end 53,51, respectively of the body 53,56,52 and 51,54,50, respectively, and a second lower hook 50a,52a fixed to a second end 50,52 of the body 51,54,50 and 53,56,52, respectively.

Applicant's remaining argument bridging pages 5 and 6 of the Remarks of the amendment filed May 19, 2005 is to be more limiting than what is actually claimed since claim 1

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does not require members 30 and 32 to be “**pivoted** into different operative positions” (emphasis added).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

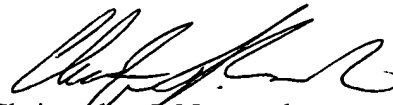
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

July 28, 2005